



March 23, 2007

ENGROSSED HOUSE BILL No. 1425

DIGEST OF HB 1425 (Updated March 20, 2007 11:44 am - DI 71)

Citations Affected: IC 9-13; IC 9-21; IC 9-22; IC 9-29.

Synopsis: Various vehicle matters. Provides that a farm truck, farm trailer, or farm semitrailer and tractor may be operated intrastate for the transportation of certain seasonal crops to the first point of processing for certain periods in a registration year. Revises the definition of "motor vehicle" for purposes of persons required to be licensed to engage in the business of buying or selling motor vehicles and their unfair practices to include semitrailers. Returns proceeds from the sale of an abandoned vehicle by the person who removed, towed, or stored the vehicle to the previous owner of the vehicle if the proceeds exceed all removal, towing, and storage expenses. (Current law returns proceeds in excess of storage expenses to previous owner.) Provides that a municipal corporation that operates a storage yard may dispose of an abandoned vehicle to an automobile scrapyard or salvage recycler. Revises language concerning certain procedures to be used by a public agency or towing service concerning notice of an abandoned vehicle. Removes the bureau of motor vehicles from the process of disposing of abandoned vehicles. Repeals the bureau's abandoned motor vehicle fund. Retains certain reporting requirements. Permits third class cities and towns to dispose of abandoned vehicles. (Current law permits only a consolidated city, a second class city, or a county to dispose of abandoned vehicles.) Makes a conforming amendment. Corrects an internal cross-reference.

Effective: Upon passage; July 1, 2007; January 1, 2008.

Austin, Grubb, Cherry, Friend

(SENATE SPONSORS — HEINOLD, SIMPSON, WYSS)

January 16, 2007, read first time and referred to Committee on Roads and Transportation.

January 26, 2007, amended, reported — Do Pass.

February 1, 2007, read second time, ordered engrossed. Engrossed.

February 6, 2007, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 19, 2007, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.

March 22, 2007, amended, reported favorably — Do Pass.

EH 1425—LS 7497/DI 96+



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March 23, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1425

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-105, AS AMENDED BY P.L.210-2005,
2 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 105. (a) "Motor vehicle" means, except as
4 otherwise provided in this section, a vehicle that is self-propelled. The
5 term does not include a farm tractor, an implement of agriculture
6 designed to be operated primarily in a farm field or on farm premises,
7 or an electric personal assistive mobility device.
8 (b) "Motor vehicle", for purposes of IC 9-21, means:
9 (1) a vehicle except a motorized bicycle that is self-propelled; or
10 (2) a vehicle that is propelled by electric power obtained from
11 overhead trolley wires, but not operated upon rails.
12 (c) "Motor vehicle", for purposes of IC 9-19-10.5 and IC 9-25,
13 means a vehicle that is self-propelled upon a highway in Indiana. The
14 term does not include a farm tractor.
15 (d) "Motor vehicle", for purposes of IC 9-30-10, does not include a
16 motorized bicycle.
17 (e) **"Motor vehicle", for purposes of IC 9-23-2 and IC 9-23-3,**

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1 **includes a semitrailer.**

2 SECTION 2. IC 9-13-2-179 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. "Towing service"
4 means a **business person** that engages in moving or removing
5 **abandoned or** disabled vehicles and, once **the vehicles are moved or**
6 removed, stores or impounds **the** vehicles.

7 SECTION 3. IC 9-21-21-3, AS ADDED BY P.L.210-2005,
8 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 UPON PASSAGE]: Sec. 3. Except as provided in section 4 of this
10 chapter, if the owner of a farm truck, farm trailer, or farm semitrailer
11 and tractor described in section 1 of this chapter begins to operate the
12 farm truck, farm trailer, or farm semitrailer and tractor or permits the
13 farm truck, farm trailer, or farm semitrailer and tractor to be operated:

14 (1) in the conduct of a commercial enterprise; or

15 (2) for the transportation of farm products after the commodities
16 have entered the channels of commerce during a registration year
17 for which the license fee under IC 9-29-5-13 has been paid;

18 the owner shall pay the amount computed under ~~IC 9-29-5-13.5(c)~~
19 **IC 9-29-5-13.5(b)** due for the remainder of the registration year for the
20 license fee.

21 SECTION 4. IC 9-21-21-4, AS ADDED BY P.L.210-2005,
22 SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 UPON PASSAGE]: Sec. 4. **(a)** Notwithstanding section 3 of this
24 chapter, **subsection (b)**, and IC 9-18-2-4, ~~the owner of~~ a farm truck,
25 farm trailer, or farm semitrailer and tractor described in section 1 of
26 this chapter ~~or an employee or family member of the owner may~~
27 **operate the truck, trailer, or semitrailer and tractor be operated**
28 intrastate for the transportation of seasonal, perishable fruit or
29 vegetables to the first point of processing for a period of not more than
30 one (1) thirty (30) day period in a registration year established by
31 IC 9-18-2-7. Before a vehicle may be operated as provided in this
32 subsection, the owner shall pay to the bureau:

33 (1) the license fee due under IC 9-29-5-13(b); and

34 (2) eight and one-half percent (8.5%) of the license fee paid under
35 IC 9-29-5-13(b);

36 for the farm truck, farm trailer, or farm semitrailer and tractor. The
37 bureau shall adopt rules under IC 4-22-2 to authorize the operation of
38 a farm truck, farm trailer, or farm semitrailer and tractor in the manner
39 provided in this subsection.

40 **(b) Notwithstanding section 3 of this chapter, subsection (a), and**
41 **IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and**
42 **tractor described in section 1 of this chapter may be operated**

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intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

- (1) the license fee due under IC 9-29-5-13(b); and
- (2) seventeen percent (17%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor. The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this subsection.

SECTION 5. IC 9-21-21-5, AS ADDED BY P.L.210-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. In addition to the penalty provided in section 7 of this chapter, **and except as provided in section 4 of this chapter**, a person that operates a vehicle or allows a vehicle that the person owns to be operated when the vehicle is:

- (1) registered under this chapter as a farm truck, farm trailer, or farm semitrailer and tractor; and
- (2) operated as set forth in section 3 of this chapter;

commits a Class C infraction. However, the offense is a Class B infraction if, within the three (3) years preceding the commission of the offense, the person had a prior unrelated judgment under this section.

SECTION 6. IC 9-22-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "public agency" means ~~the bureau or a~~ local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles.

SECTION 7. IC 9-22-1-4, AS AMENDED BY P.L.104-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Except as provided in subsection (c), the person who owns an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

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(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the **removal, towing, and** storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 8. IC 9-22-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter. ~~Upon receipt of notification, the bureau shall cause a search to be made to determine and notify the person who owns the vehicle under section 20 of this chapter.~~

SECTION 9. IC 9-22-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. If:

(1) **the person who owns or holds a lien under section 8 of this chapter does not appear and pay all costs; or**

(2) the person who owns a vehicle cannot be determined by a search **conducted** under section ~~20~~ **19** of this chapter; ~~the bureau shall declare the vehicle is considered abandoned and provide for disposal must be disposed of~~ under this chapter.

SECTION 10. IC 9-22-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing ~~operator service~~ shall notify the ~~bureau~~ **appropriate public agency** of all releases under section 8 of this chapter.

SECTION 11. IC 9-22-1-13, AS AMENDED BY P.L.104-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If in the opinion of the officer the market value of an abandoned vehicle or parts determined in accordance with section 12 of this chapter is less than:

(1) five hundred dollars (\$500); or

(2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance; ~~the officer shall immediately dispose of the vehicle to a towing service.~~ **storage yard.** A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. ~~The~~ **A towing service may dispose of the an** abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. **A municipal corporation (as defined in IC 36-1-2-10) that operates a storage yard under IC 36-9-30-3**

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1 **may dispose of an abandoned vehicle to an automobile scrapyard**
 2 **or an automotive salvage recycler upon removal of the abandoned**
 3 **vehicle.** The public agency disposing of the vehicle shall retain the
 4 original records and photographs for at least two (2) years.

5 (b) The legislative body of a municipality (as defined in
 6 IC 36-1-2-11) may adopt an ordinance that establishes the market value
 7 below which an officer may dispose of a vehicle or parts under
 8 subsection (a). However, the market value established by the ordinance
 9 may not be more than seven hundred fifty dollars (\$750).

10 SECTION 12. IC 9-22-1-16, AS AMENDED BY P.L.104-2005,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2007]: Sec. 16. (a) If after seventy-two (72) hours the person
 13 who owns a vehicle believed to be abandoned on private property that
 14 the person owns or controls, including rental property, has not removed
 15 the vehicle from the private property, the person who owns or controls
 16 the private property may have the vehicle towed from the private
 17 property. ~~The towing operator shall do the following:~~

18 (1) ~~Contact the bureau to obtain the name and address of the~~
 19 ~~person who owns the vehicle.~~

20 (2) ~~Send, by certified mail, a copy of the information contained in~~
 21 ~~the notice required under section 15 of this chapter to the person~~
 22 ~~who owns the vehicle. The notice required by this subdivision~~
 23 ~~must be mailed to the person who owns the vehicle according to~~
 24 ~~the records of the bureau not later than five (5) business days after~~
 25 ~~receipt of the information in subdivision (1) from the bureau.~~

26 (b) Notwithstanding subsection (a), in an emergency situation a
 27 vehicle may be removed immediately. As used in this subsection,
 28 "emergency situation" means that the presence of the abandoned
 29 vehicle interferes physically with the conduct of normal business
 30 operations of the person who owns or controls the private property or
 31 poses a threat to the safety or security of persons or property, or both.

32 SECTION 13. IC 9-22-1-17 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A towing ~~operator~~
 34 ~~who service that~~ **tows a vehicle under section 5 or 16 of this chapter**
 35 **shall give notice to the public agency and bureau that the abandoned**
 36 **vehicle is in the possession of the towing operator: service.**

37 SECTION 14. IC 9-22-1-19, AS AMENDED BY P.L.104-2005,
 38 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JANUARY 1, 2008]: Sec. 19. (a) Within seventy-two (72) hours after
 40 removal of ~~an abandoned a~~ vehicle to a storage yard or towing service
 41 under section 5, 13, 14, or 16 of this chapter, the public agency or
 42 towing ~~operator service~~ **shall do the following:**

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(1) Prepare and forward to the bureau ~~an abandoned vehicle~~ a report containing a description of the vehicle, including the following information concerning the vehicle:

~~(1)~~ (A) The make.

~~(2)~~ (B) The model.

~~(3)~~ (C) The identification number.

~~(4)~~ (D) The number of the license plate.

(2) Conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.

~~(b)~~ The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle:

~~(c)~~ (b) Notwithstanding section 4 of this chapter, if the public agency or towing ~~operator~~ **service** fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing ~~operator~~ **service**:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) **subject to subsection (c)**, may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

(c) If the public agency or towing service obtains the name and address of the person who owns or holds a lien on a vehicle under subsection (a)(2), within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

(1) name;

(2) address; and

(3) telephone number;

of the public agency or towing service. Notwithstanding section 4 of this chapter and subsection (b)(2), a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (a)(2).

(d) A towing service may not collect reimbursement under both

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subsections (b) and (c) for storage costs incurred during a particular period for one (1) vehicle.

SECTION 15. IC 9-22-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) This section applies to a ~~consolidated city, second class city,~~ town, or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section ~~20~~ 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 16. IC 9-22-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. A person who purchases a vehicle under section ~~22~~ or 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the ~~bureau~~ or public agency upon paying the fee for a bill of sale under IC 9-29-7. A person who purchases a vehicle under section ~~22~~ or 23 of this chapter must:

(1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and

(2) pay the appropriate title fee under IC 9-29-4; to obtain a certificate of title under IC 9-17 for the vehicle.

SECTION 17. IC 9-22-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. The proceeds of sale of an abandoned vehicle or parts under section ~~22~~ or 23 of this

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chapter shall be credited against the costs of the removal, storage, and disposal of the vehicle.

SECTION 18. IC 9-22-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by ~~total units~~ **a city, county, or town.**

(b) The proceeds from the sale of abandoned vehicles or parts, including:

(1) charges for bills of sale; and

(2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles; shall be deposited ~~with the county treasurer or city controller and placed by the treasurer or controller~~ in the unit's abandoned vehicle fund **by the unit's fiscal officer.**

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(e) Notwithstanding subsection (d), the fiscal body of a consolidated city may transfer money from the fund.

SECTION 19. IC 9-22-5-15, AS AMENDED BY P.L.104-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person who owns the vehicle has a lien on the vehicle to the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle: ~~at the request of:~~

(1) **at the request of** the person who owns the motor vehicle, trailer, semitrailer, or recreational vehicle; ~~or~~

(2) **at the request of** an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; ~~or~~

(3) **in accordance with IC 9-22-1;**

has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a

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partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply with IC 9-22-1-4, IC 9-22-1-16, IC 9-22-1-17, and IC 9-22-1-19.

(c) If:

- (1) the charges made under subsection (a) or (b) are not paid; and
- (2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

within thirty (30) days from the date on which the vehicle was left in or came into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold before fifteen (15) days after the date the advertisement required by subsection (d) has been placed or after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper of general circulation printed in the English language in the city or town in which the lienholder's place of business is located. The advertisement must contain at least the following information:

- (1) A description of the vehicle, including make, type, and manufacturer's identification number.
- (2) The amount of the unpaid charges.
- (3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person who holds the mechanic's lien must:

- (1) notify the person who owns the vehicle and any other person who holds a lien of record at the person's last known address by certified mail, return receipt requested; or
- (2) if the vehicle is an abandoned motor vehicle, provide notice as required under subdivision (1) if the location of the owner of the motor vehicle or a lienholder of record is determined by the bureau in a search under IC 9-22-1-20;

that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.

(f) A person who holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person who holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person who owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle,

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the vehicle may be sold at public auction to the highest and best bidder for cash. A person who holds a mechanic's lien under this section may purchase a vehicle subject to sale under this section.

(h) A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.

(i) A person who holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

- (1) The facts of the sale.
- (2) The vehicle identification number.
- (3) The certificate of title if available.
- (4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17.

SECTION 20. IC 9-29-5-13.5, AS AMENDED BY P.L.210-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.5. (a) This section applies to a truck, trailer, or semitrailer and tractor for which a license fee provided in section 13(b) of this chapter has been paid.

(b) Except as provided in ~~subsection~~ **subsections (d) and (e)**, if the owner of a truck, trailer, or semitrailer and tractor described in subsection (a) begins to operate the truck, trailer, or semitrailer and tractor in the conduct of a commercial enterprise or for the transportation of farm products after the commodities have entered the channels of commerce during a registration year for which the license fee under section 13(b) of this chapter has been paid, the owner shall pay the amount listed in this chapter for a truck, trailer, or semitrailer and tractor of the same declared gross weight reduced by a credit determined under subsection (c) to license the truck, trailer, or

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1 semitrailer and tractor.

2 (c) The credit provided in subsection (b) equals:

3 (1) the license fee paid under section 13(b) of this chapter;
4 reduced by

5 (2) ten percent (10%) for each full or partial calendar month that
6 has elapsed in the registration year for which the license fee has
7 been paid.

8 The credit may not exceed ninety percent (90%) of the license fee paid
9 under section 13(b) of this chapter.

10 (d) Notwithstanding subsection (b) and IC 9-18-2-4, ~~the owner of a~~
11 ~~truck, trailer, or semitrailer and tractor described in subsection (a) or~~
12 ~~an employee or family member of the owner may operate the truck,~~
13 ~~trailer, or semitrailer and tractor be operated~~ intrastate for the
14 transportation of seasonal, perishable fruit or vegetables to the first
15 point of processing for a period that consists of not more than a thirty
16 (30) day period in a registration year as provided by ~~IC 9-21-21-4.~~
17 **IC 9-21-21-4(a).** Before a vehicle may be operated as provided in this
18 subsection, the owner shall pay to the bureau:

19 (1) any license fee due under section 13(b) of this chapter; and
20 (2) eight and one-half percent (8.5%) of the license fee paid under
21 section 13(b) of this chapter.

22 (e) **Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a**
23 **truck, trailer, or semitrailer and tractor described in subsection (a)**
24 **may be operated intrastate for the transportation of tomatoes or**
25 **silage to the first point of processing for a period that consists of**
26 **not more than one (1) seventy-one (71) day period in a registration**
27 **year as provided by IC 9-21-21-4(b).** Before a vehicle may be
28 operated as provided in this subsection, the owner shall pay to the
29 bureau:

30 (1) any license fee due under section 13(b) of this chapter; and
31 (2) **seventeen percent (17%) of the license fee paid under**
32 **section 13(b) of this chapter.**

33 SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE
34 JULY 1, 2007]: IC 9-22-1-10; IC 9-22-1-20; IC 9-22-1-22;
35 IC 9-22-1-28; IC 9-22-1-29.

36 SECTION 22. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1425, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 9-13-2-179 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. "Towing service" means a ~~business~~ **person** that engages in moving or removing **abandoned or** disabled vehicles and, once **the vehicles are moved or** removed, stores or impounds **the** vehicles."

Page 2, line 18, after "4." insert "(a)".

Page 2, line 18, after "chapter" insert ", **subsection (b),**".

Page 2, between lines 34 and 35, begin a new paragraph and insert:

"(b) Notwithstanding section 3 of this chapter, subsection (a), and IC 9-18-2-4, a farm truck, farm trailer, or farm semitrailer and tractor described in section 1 of this chapter may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period of not more than one (1) seventy-one (71) day period in a registration year established by IC 9-18-2-7. Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) the license fee due under IC 9-29-5-13(b); and

(2) seventeen percent (17%) of the license fee paid under IC 9-29-5-13(b);

for the farm truck, farm trailer, or farm semitrailer and tractor. The bureau shall adopt rules under IC 4-22-2 to authorize the operation of a farm truck, farm trailer, or farm semitrailer and tractor in the manner provided in this subsection."

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 6. IC 9-22-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. The release must state the name, signature, and address of the person who owns or holds a lien on the vehicle, a description of the vehicle or parts, costs, and date of release. A towing ~~operator~~ **service** shall notify the bureau of all releases under section 8 of this chapter.

SECTION 7. IC 9-22-1-16, AS AMENDED BY P.L.104-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) If after seventy-two (72) hours the person who owns a vehicle believed to be abandoned on private property that the person owns or controls, including rental property, has not removed the vehicle from the private property, the person who owns or controls

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the private property may have the vehicle towed from the private property. ~~The towing operator shall do the following:~~

(1) ~~Contact the bureau to obtain the name and address of the person who owns the vehicle.~~

(2) ~~Send, by certified mail, a copy of the information contained in the notice required under section 15 of this chapter to the person who owns the vehicle. The notice required by this subdivision must be mailed to the person who owns the vehicle according to the records of the bureau not later than five (5) business days after receipt of the information in subdivision (1) from the bureau.~~

(b) Notwithstanding subsection (a), in an emergency situation a vehicle may be removed immediately. As used in this subsection, "emergency situation" means that the presence of the abandoned vehicle interferes physically with the conduct of normal business operations of the person who owns or controls the private property or poses a threat to the safety or security of persons or property, or both.

SECTION 8. IC 9-22-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. A towing ~~operator~~ **who service** that tows a vehicle under section 16 of this chapter shall give notice to the public agency and bureau that the abandoned vehicle is in the possession of the towing ~~operator.~~ **service.**

SECTION 9. IC 9-22-1-19, AS AMENDED BY P.L.104-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage yard or towing service under section 13, 14, or 16 of this chapter, the public agency or towing ~~operator~~ **service** shall **do the following:**

(1) Prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

(1) ~~(A)~~ **(A)** The make.

(2) ~~(B)~~ **(B)** The model.

(3) ~~(C)~~ **(C)** The identification number.

(4) ~~(D)~~ **(D)** The number of the license plate.

(2) **Contact the bureau or conduct a search of national data bases, including a data base of vehicle identification numbers, to attempt to obtain the name and address of the person who owns or holds a lien on the vehicle.**

(b) The public agency or towing ~~operator~~ **service** shall request that the bureau advise the public agency or towing ~~operator~~ **service** of the name and most recent address of the person who owns or holds a lien on the vehicle.

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(c) Notwithstanding section 4 of this chapter, if the public agency or towing ~~operator service~~ fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing ~~operator service~~:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) **subject to subsection (d)**, may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

(d) If the public agency or towing service obtains the name and address of the person who owns or holds a lien on the abandoned vehicle under subsection (a)(2), within seventy-two (72) hours after obtaining the name and address, the public agency or towing service shall, by certified mail, notify the person who owns or holds a lien on the vehicle of the:

(1) name;

(2) address; and

(3) telephone number;

of the public agency or towing service. Notwithstanding section 4 of this chapter and subsection (c)(2), a public agency or towing service that fails to notify a person who owns or holds a lien on the vehicle as set forth in this subsection may not collect additional storage costs incurred after the date of receipt of the name and address obtained under subsection (a)(2).

(e) A towing service may not collect reimbursement under both subsections (c) and (d) for storage costs incurred during a particular period for one (1) vehicle."

Page 3, line 10, strike "subsection" and insert "**subsections**".

Page 3, line 10, after "(d)" delete "," and insert "**and (e)**".

Page 3, line 34, strike "IC 9-21-21-4." and insert "**IC 9-21-21-4(a)**".

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(e) Notwithstanding subsections (b) and (d) and IC 9-18-2-4, a truck, trailer, or semitrailer and tractor described in subsection (a) may be operated intrastate for the transportation of tomatoes or silage to the first point of processing for a period that consists of not more than one (1) seventy-one (71) day period in a registration year as provided by IC 9-21-21-4(b). Before a vehicle may be operated as provided in this subsection, the owner shall pay to the bureau:

(1) any license fee due under section 13(b) of this chapter; and

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(2) seventeen percent (17%) of the license fee paid under section 13(b) of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1425 as introduced.)

AUSTIN, Chair

Committee Vote: yeas 10, nays 0.

SENATE MOTION

Madam President: I move that Senator Wyss be removed as sponsor of Engrossed House Bill 1425 and that Senator Heinold be substituted therefor.

WYSS

SENATE MOTION

Madam President: I move that Senator Wyss be added as cosponsor of Engrossed House Bill 1425.

HEINOLD

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1425, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 6. IC 9-22-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. As used in this chapter, "public agency" means ~~the bureau or a~~ local agency given the responsibility by statute or ordinance for the removal, storage, and disposal of abandoned vehicles.

SECTION 6. IC 9-22-1-4, AS AMENDED BY P.L.104-2005,

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SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Except as provided in subsection (c), the person who owns an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the **removal, towing, and** storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 8. IC 9-22-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. The bureau shall be notified within seventy-two (72) hours of the location and description of a vehicle described in section 5 of this chapter. ~~Upon receipt of notification, the bureau shall cause a search to be made to determine and notify the person who owns the vehicle under section 20 of this chapter.~~

SECTION 9. IC 9-22-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. If:

(1) the person who owns or holds a lien under section 8 of this chapter does not appear and pay all costs; or

(2) the person who owns a vehicle cannot be determined by a search conducted under section 20 19 of this chapter;

~~the bureau shall declare the vehicle is considered~~ abandoned and ~~provide for disposal must be disposed of~~ under this chapter."

Page 3, line 29, strike "bureau" and insert "**appropriate public agency**".

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 9. IC 9-22-1-13, AS AMENDED BY P.L.104-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) If in the opinion of the officer the market value of an abandoned vehicle or parts determined in accordance with section 12 of this chapter is less than:

- (1) five hundred dollars (\$500); or
- (2) in a municipality that has adopted an ordinance under

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subsection (b), the amount established by the ordinance; the officer shall immediately dispose of the vehicle to a ~~towing service~~. **storage yard.** A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. ~~The~~ **A towing service may dispose of the an abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A municipal corporation (as defined in IC 36-1-2-10) that operates a storage yard under IC 36-9-30-3 may dispose of an abandoned vehicle to an automobile scrapyards or an automotive salvage recycler upon removal of the abandoned vehicle.** The public agency disposing of the vehicle shall retain the original records and photographs for at least two (2) years.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars (\$750).".

Page 4, line 13, after "section" insert "**5 or**".

Page 4, line 14, strike "and bureau".

Page 4, line 18, delete "JULY 1, 2007]:" and insert "JANUARY 1, 2008]:".

Page 4, line 19, strike "an abandoned" and insert "**a**".

Page 4, line 20, after "section" insert "**5,**".

Page 4, line 22, strike "an abandoned vehicle" and insert "**a**".

Page 4, line 29, delete "Contact the bureau or conduct" and insert "**Conduct**".

Page 4, line 33, strike "(b) The public agency or towing".

Page 4, line 33, delete "service".

Page 4, line 33, strike "shall request that".

Page 4, line 34, strike "the bureau advise the public agency or towing".

Page 4, line 34, delete "service".

Page 4, line 34, strike "of the".

Page 4, strike lines 35 through 36.

Page 4, line 37, strike "(c)" and insert "**(b)**".

Page 5, line 3, delete "(d)," and insert "**(c),**".

Page 5, line 6, delete "(d)" and insert "**(c)**".

Page 5, line 7, delete "the abandoned" and insert "**a**".

Page 5, line 16, delete "(c)(2)," and insert "**(b)(2),**".

Page 5, line 21, delete "(e)" and insert "**(d)**".

Page 5, line 22, delete "(c) and (d)" and insert "**(b) and (c)**".

Page 5, between lines 23 and 24, begin a new paragraph and insert:

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"SECTION 10. IC 9-22-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) This section applies to a ~~consolidated city, second class city, town,~~ or county.

(b) Except as provided in subsection (c), if the person who owns or holds a lien upon a vehicle does not appear within twenty (20) days after the mailing of a notice under section ~~20~~ 19 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The twenty (20) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

(c) This subsection applies to a consolidated city or county containing a consolidated city. If the person who owns or holds a lien upon a vehicle does not appear within fifteen (15) days after the mailing of a notice under section 20 of this chapter, the unit may sell the vehicle or parts by either of the following methods:

(1) The unit may sell the vehicle or parts to the highest bidder at a public sale. Notice of the sale shall be given under IC 5-3-1, except that only one (1) newspaper insertion one (1) week before the public sale is required.

(2) The unit may sell the vehicle or part as unclaimed property under IC 36-1-11. The fifteen (15) day period for the property to remain unclaimed is sufficient for a sale under this subdivision.

SECTION 11. IC 9-22-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. A person who purchases a vehicle under section ~~22~~ or 23 of this chapter shall be furnished a bill of sale for each abandoned vehicle sold by the ~~bureau~~ or public agency upon paying the fee for a bill of sale under IC 9-29-7. A person who purchases a vehicle under section ~~22~~ or 23 of this chapter must:

(1) present evidence from a law enforcement agency that the vehicle purchased is roadworthy, if applicable; and

(2) pay the appropriate title fee under IC 9-29-4;
to obtain a certificate of title under IC 9-17 for the vehicle.

SECTION 12. IC 9-22-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26. The proceeds of sale of an abandoned vehicle or parts under section ~~22~~ or 23 of this chapter shall be credited against the costs of the removal, storage, and disposal of the vehicle.

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SECTION 13. IC 9-22-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 27. (a) This section applies to sales of abandoned vehicles or parts by ~~local units: a city, county, or town.~~ **a city, county, or town.**

(b) The proceeds from the sale of abandoned vehicles or parts, including:

(1) charges for bills of sale; and

(2) money received from persons who own or hold liens on vehicles for the cost of removal or storage of vehicles;

shall be deposited ~~with the county treasurer or city controller and placed by the treasurer or controller~~ in the unit's abandoned vehicle fund **by the unit's fiscal officer.**

(c) The costs incurred by a public agency in administering this chapter shall be paid from the abandoned vehicle fund.

(d) The fiscal body shall annually appropriate sufficient money to the fund to carry out this chapter. Money remaining in the fund at the end of a year remains in the fund and does not revert to the general fund.

(e) Notwithstanding subsection (d), the fiscal body of a consolidated city may transfer money from the fund.

SECTION 14. IC 9-22-5-15, AS AMENDED BY P.L.104-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. (a) An individual, a firm, a limited liability company, or a corporation that performs labor, furnishes materials or storage, or does repair work on a motor vehicle, trailer, semitrailer, or recreational vehicle at the request of the person who owns the vehicle has a lien on the vehicle to the reasonable value of the charges for the labor, materials, storage, or repairs.

(b) An individual, a firm, a partnership, a limited liability company, or a corporation that provides towing services for a motor vehicle, trailer, semitrailer, or recreational vehicle: ~~at the request of:~~

(1) **at the request of** the person who owns the motor vehicle, trailer, semitrailer, or recreational vehicle; ~~or~~

(2) **at the request of** an individual, a firm, a partnership, a limited liability company, or a corporation on whose property an abandoned motor vehicle, trailer, semitrailer, or recreational vehicle is located; ~~or~~

(3) **in accordance with IC 9-22-1;**

has a lien on the vehicle for the reasonable value of the charges for the towing services and other related costs. An individual, a firm, a partnership, a limited liability company, or a corporation that obtains a lien for an abandoned vehicle under subdivision (2) must comply

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with IC 9-22-1-4, IC 9-22-1-16, IC 9-22-1-17, and IC 9-22-1-19.

(c) If:

- (1) the charges made under subsection (a) or (b) are not paid; and
- (2) the motor vehicle, trailer, semitrailer, or recreational vehicle is not claimed;

within thirty (30) days from the date on which the vehicle was left in or came into the possession of the individual, firm, limited liability company, or corporation for repairs, storage, towing, or the furnishing of materials, the individual, firm, limited liability company, or corporation may advertise the vehicle for sale. The vehicle may not be sold before fifteen (15) days after the date the advertisement required by subsection (d) has been placed or after notice required by subsection (e) has been sent, whichever is later.

(d) Before a vehicle may be sold under subsection (c), an advertisement must be placed in a newspaper of general circulation printed in the English language in the city or town in which the lienholder's place of business is located. The advertisement must contain at least the following information:

- (1) A description of the vehicle, including make, type, and manufacturer's identification number.
- (2) The amount of the unpaid charges.
- (3) The time, place, and date of the sale.

(e) In addition to the advertisement required under subsection (d), the person who holds the mechanic's lien must:

- (1) notify the person who owns the vehicle and any other person who holds a lien of record at the person's last known address by certified mail, return receipt requested; or
- (2) if the vehicle is an abandoned motor vehicle, provide notice as required under subdivision (1) if the location of the owner of the motor vehicle or a lienholder of record is determined by the bureau in a search under IC 9-22-1-20;

that the vehicle will be sold at public auction on a specified date to satisfy the lien imposed by this section.

(f) A person who holds a lien of record on a vehicle subject to sale under this section may pay the storage, repair, towing, or service charges due. If the person who holds the lien of record elects to pay the charges due, the person is entitled to possession of the vehicle and becomes the holder of the mechanic's lien imposed by this section.

(g) If the person who owns a vehicle subject to sale under this section does not claim the vehicle and satisfy the lien on the vehicle, the vehicle may be sold at public auction to the highest and best bidder for cash. A person who holds a mechanic's lien under this section may

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purchase a vehicle subject to sale under this section.

(h) A person who holds a mechanic's lien under this section may deduct and retain the amount of the lien and the cost of the advertisement required under subsection (d) from the purchase price received for a vehicle sold under this section. After deducting from the purchase price the amount of the lien and the cost of the advertisement, the person shall pay the surplus of the purchase price to the person who owns the vehicle if the person's address or whereabouts is known. If the address or whereabouts of the person who owns the vehicle is not known, the surplus of the purchase price shall be paid over to the clerk of the circuit court of the county in which the person who holds the mechanic's lien has a place of business for the use and benefit of the person who owns the vehicle.

(i) A person who holds a mechanic's lien under this section shall execute and deliver to the purchaser of a vehicle under this section a sales certificate in the form designated by the bureau, setting forth the following information:

- (1) The facts of the sale.
- (2) The vehicle identification number.
- (3) The certificate of title if available.
- (4) A certificate from the newspaper showing that the advertisement was made as required under subsection (d).

Whenever the bureau receives from the purchaser an application for certificate of title accompanied by these items, the bureau shall issue a certificate of title for the vehicle under IC 9-17."

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 16. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 9-22-1-10; IC 9-22-1-20; IC 9-22-1-22; IC 9-22-1-28; IC 9-22-1-29."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1425 as printed January 26, 2007.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

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